

**BEFORE THE
STATE BOARD OF MEDIATION
STATE OF MISSOURI**

INSTITUTIONAL AND PUBLIC EMPLOYEES)	
LOCAL UNION NO. 410, AMERICAN)	
FEDERATION OF STATE, COUNTY AND)	
MUNICIPAL EMPLOYEES, AFL-CIO,)	
)	
Petitioner,)	
)	
vs.)	Public Case No. 77-044
)	
JUVENILE COURT OF THE CITY OF ST. LOUIS,)	
)	
Respondent.)	

**FINDING OF FACT,
CONCLUSIONS OF LAW AND DECISION**

Finding of Fact

On November 30, 1977, Institutional and Public Employees Local Union No. 410, American Federation of State, County and Municipal Employees, AFL-CIO, filed a Petition with the State Board of Mediation requesting this Board to make a determination as to the appropriateness of a bargaining unit and majority representative status pursuant to Section 105.525 RSMo. 1969, for the following unit: All regular, full-time Juvenile Officers, excluding Supervisors.

Efforts were made by the Board to resolve the issue of an appropriate bargaining unit without going to a hearing; however, on April 10, 1978, the Board received correspondence from the Petitioner advising that it would be impossible to resolve the issues without a hearing.

The State Board of Mediation has jurisdiction to hear and decide this matter pursuant to Section 105.525 RSMo. 1969, which provides in pertinent part:

"Issue with respect to appropriateness of bargaining units and majority representative status shall be resolved by the State Board of Mediation."

On December 21, 1978, a hearing was called to order in the matter at the St. Louis County Administration Building, Clayton, Missouri. The evidence was received by the Chairman of the Board as agreed to by the parties. A copy of the transcript was sent to one employer member and one employee member of the Board. The Petitioner and the Respondent were represented by Counsel.

The Board in this case must make two findings, they are:

- I. May Temporary Deputy Juvenile Officers be properly included in the unit?
- II. May Supervisor Trainees be properly included in the unit?

(I.)

The first issue involves those employees hired under a Federal Grant. There are six or seven Temporary Deputy Juvenile Officers and this number may vary, but has remained constant for the past six or seven years. The present grant will be in effect until September 30, 1979.

The City received a grant from the Federal Government from which these Temporary Deputy Juvenile Officers are paid. The duties of these employees do not differ from those of their fellow employees.

(II.)

The second issue we must address is whether the individuals referred to as Supervisor Trainees should be included in the unit. The Supervisor Trainees help the Supervisor in the management of the unit. This includes instruction, scheduling, enforcement of personnel practices, case assignment, training of new members of the unit, review and direction of case handling by Deputy Juvenile Officers, as well as review and approval of recommendations to planning and dispositions; rendering direct services to children and families who have been brought to the attention of the Court and making recommendations to the Court which will benefit

the child and the community; and taking over supervision of the unit in the absence of the Supervisor.

Conclusions of Law

Section 105.525 RSMo. 1969, states:

“Issues with respect to appropriateness of bargaining units and majority representative status shall be resolved by the State Board of Mediation...”

Appropriate unit is defined in Section 105.500(1) RSMo 1969 as:

“... a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned.”

It is the position of this Board that Supervisors cannot be included in the same bargaining unit as the employees whom they supervise, because of a lack of community of interest. Therefore, it is necessary to make a determination as to the positions which possess supervisory qualities. In the case of Western Missouri Public Employees, Local 1812 and Missouri State Council 72, AFSCME vs. Jackson County, Missouri (Department of Corrections), Public Case No. 90, and St. Louis Fire Fighters Association, Local 73, IAFF, AFL-CIO vs. City of St. Louis, Missouri, Public Case No. 76-013, this Board set forth the factors which are considered in determining whether an employee is a supervisor. They are as follows:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees.
2. The authority to direct and assign the work force.
3. The number of employees supervised, and the number of other persons exercising greater, similar or lesser authority over the same employees.
4. The level of pay, including an evaluation of whether the supervisor is paid for his skill or for his supervision of employees.
5. Whether the supervisor is primarily supervising an activity or is primarily supervising employees.

6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employees.
7. The amount of independent judgement and discretion exercised in the supervision of employees.

Temporary Deputy Juvenile Officer

In reference to the position of Temporary Deputy Juvenile Officer, no testimony was offered to indicate this position is a temporary one. It is, therefore, the opinion of this Board that the position of Temporary Deputy Juvenile Officer is not temporary and should be included in an appropriate bargaining unit.

Supervisor Trainees

The Supervisor Trainees do the same work as the Deputy Juvenile Officers, in that they carry a case load and render direct service to children and families. The Supervisor Trainees would take on the duties of the Supervisor only in the absence of the Unit Supervisor. At best the Supervisor Trainees could be classified as working foremen. Therefore, it is the decision of the Board that the position of Supervisor Trainees be included in an appropriate bargaining unit.

Decision

It is the decision of this Board that the following unit in the Juvenile Court of the City of St. Louis is appropriate:

All regular full-time Juvenile Officers including Temporary Deputy Juvenile Officers and Supervisor Trainees but EXCLUDING Supervisors.

Direction of Election

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation among the employees in the unit found appropriate, as early as possible, but not later than sixty (60) days from the date below. The exact time and place will be set forth in the notice of election to be issued subsequently, subject to the Board's rules and regulations. Eligible to vote

are those in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill or on vacation. Ineligible to vote are employees who have quit or were discharged for cause since the designated payroll period, and who have not been rehired or reinstated before the election date. Those eligible shall vote whether (or not) they desire to be represented for the purpose of exclusive recognition by the Institutional and Public Employees Local Union 410, American Federation of State, County and Municipal Employees, AFL-CIO.

It is hereby ordered that the City shall submit to the Chairman of the State Board of Mediation, as well as to the Petitioner, within seven (7) days from the date of receipt of this decision, an alphabetical list of the employees in the unit, determined above to be appropriate, who were employed during the designated payroll period.

Dated this 13th day of March, 1979.

STATE BOARD OF MEDIATION

/s/ Conrad L. Berry
Conrad L. Berry, Chairman

(SEAL)

/s/ Harry Scott
Harry Scott, Employer Member

/s/ Robert Missey
Robert Missey, Employee Member